

FILED UNITED STATES DISTRICT COURT

07 DEC -5 PM 12:30
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

for the

Northern District of California

U.S.A. vs. Young, Michael

Docket No. CR07-00559 JSW

Petition for Arrest Warrant for Defendant Under Pretrial Supervision

Name of Defendant: Young, Michael London

Name of Judicial Officer: Joseph C. Spero, U.S. Magistrate Judge

Date of Release: November 16, 2007

Charged Offense: Felon In Possession of Firearm, 18 United States Code, 922(g)(1)
(Class C Felony)

Release Conditions: \$50,000 bond (unsecured)

Special

Conditions: (1) Travel restricted to the Northern District of California; (2) Shall report in person immediately upon release and thereafter as directed by Pretrial Services; (3) Shall not possess a firearm, destructive device or other dangerous weapon; (4) Shall participate in drug/alcohol/mental health counseling and submit to drug/alcohol testing as directed by Pretrial Services; (5) Shall not use alcohol to excess and shall not use or possess any narcotic or other controlled substance without a legal prescription; (6) Shall not change residence without prior approval of Pretrial Services; and (7) Shall reside at Cornell Corrections Incorporated, halfway house, on 24 hour lock down.

Petitioning the Court

For the issuance of a no-bail warrant for the defendant's arrest.

I, Amelia Berthelsen, a U.S. Pretrial Services Officer Assistant, employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

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RE: Young, Michael London

- 1) Defendant Michael London YOUNG is charged in an Indictment with a violation of Title 18, United States Code, Section 922(g)(1) - Felon In Possession of Firearm. On November 16, 2007, the Honorable Joseph C. Spero, U.S. Magistrate Judge, released defendant YOUNG on a \$50,000 unsecured bond with Pretrial Services supervision and various special release conditions, as noted above, including placement at a halfway house. Defendant YOUNG's release was delayed due to an active warrant from Santa Clara County. Defendant YOUNG was released by Santa Clara County authorities on December 1, 2007. However, he did not immediately enter into the halfway house on December 1, 2007, as ordered by the Court. Defendant YOUNG was ultimately escorted by his attorney to the Pretrial Services' office in San Francisco, California, on December 4, 2007.
- 2) On December 4, 2007, defendant YOUNG was directed to submit to a drug test by U.S. Pretrial Services Officer Assistant Brad Wilson. On that same date, defendant YOUNG's urine specimen tested presumptively positive for the presence of amphetamine and methamphetamine. Furthermore, defendant YOUNG admitted to Officer Assistant Wilson that he had used illegal drugs since his release from custody on December 1, 2007. When questioned by Officer Assistant Wilson as to why he did not immediately enter into the halfway house upon his release, defendant YOUNG reported that he had transportation issues. Defendant YOUNG further advised that he spent one night in a hotel in San Francisco and, "has been up" since that time. From Officer Assistant Wilson's observations, defendant YOUNG appeared to be under the influence of a controlled substance during this meeting.
- 3) Officer Assistant Wilson directed defendant YOUNG to report to Cornell Corrections halfway house in San Francisco, California, immediately upon leaving the Pretrial Services' office. Defendant YOUNG was again informed that he was ordered to reside at Cornell Corrections and he could not leave the halfway house without express permission from Pretrial Services. Defendant YOUNG's attorney, Assistant Federal Public Defender Elizabeth Falk, agreed to escort the defendant directly to Cornell Corrections in San Francisco immediately following the meeting with Pretrial Services.
- 4) At approximately 9:30 PM on the evening of December 4, 2007, Assistant Deputy Chief U.S. Pretrial Services Officer Silvio Lugo was contacted via telephone by Ms. Maria Richard, facility director of Cornell Corrections in San Francisco. Ms. Richard advised Officer Lugo that defendant YOUNG had caused a significant disturbance at the halfway and, as a result, the San Francisco Police Department were called to the facility. According to Ms. Richard, defendant YOUNG would not follow the directives of the facility staff during his orientation. Furthermore, defendant YOUNG entered into the monitor's office without permission, took a hand held metal detector (owned by the halfway house), and began waving it at staff. According to Ms. Richard, the police arrived, took the metal detector away from defendant YOUNG, and removed him from the property.
- 5) Officer Silvio Lugo visited the Tenderloin Task Force Police Station in San Francisco, California, at approximately 10 PM on December 4, 2007, and spoke to the two officers who responded to the halfway house. The officers informed that they simply escorted the defendant off of the premises but did not have a reason to place him in custody at that time. The officers were unaware of the defendant's whereabouts since removing him from the halfway house facility.

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- 6) Michael Young has not contacted Pretrial Services since his departure from the halfway house on December 4, 2007, and his current whereabouts are unknown.

Based on the foregoing, there is probable cause to believe that Michael London YOUNG violated the terms and conditions of his pretrial release. Therefore, I ask the Court to issue a no-bail warrant for the defendant's arrest.

Respectfully submitted,


Amelia Berthelsen
U.S. Pretrial Services Officer Assistant
Place Oakland, California
Date Signed: 12/5/07

Approved by:


Silvio Lugo, Assistant Deputy Chief
U.S. Pretrial Services Officer

Having considered the information set forth above, the Court finds there is probable cause to believe the defendant violated the terms and conditions of his pretrial release.

THE COURT ORDERS:

☒ The issuance of a no-bail warrant for the defendant's arrest so that he may be brought before the Court to show cause why bail should not be revoked.

☐ Other: _____

12/5/07

Date


Honorable Joseph C. Spero
U.S. Magistrate Judge